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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,323	01/25/2002	Harry R. Davis	CV01489K	1525
24265	7590	10/21/2003	EXAMINER	
SCHERING-PLOUGH CORPORATION PATENT DEPARTMENT (K-6-1, 1990) 2000 GALLOPING HILL ROAD KENILWORTH, NJ 07033-0530			BAHAR, MOJDEH	
			ART UNIT	PAPER NUMBER
			1617	

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/057, 323

EXAMINER

ART UNIT	PAPER
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18

DATE MAILED:

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Commissioner for Patents

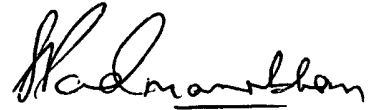
The reply filed on August 4, 2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): applicant's has not correctly listed claims readable on elected specie, i.e., claims that are elected for prosecution on the merits. For example, the election does not include claims 83-84 and 86 as readable on Ezetimibe. Applicant states that claim 21 reads on the elected specie niacin. This is an incorrect statement since claims 28, 32, 100-101 read on niacin as well. Also note that some claims indicated as elected claims, e.g., 14-20, 22-27, 29-32, do not read on any of the elected species, because they further include non-elected therapeutic agents. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mojdeh Bahar whose telephone number is (703) 305-1007. The examiner can normally be reached on (703) 305-1007 from Monday to Friday from 9:00 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan., can be reached on (703) 305-1877. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

Mojdeh Bahar
Patent Examiner
October 19, 2003



SREENI PADMANABHAN
SUPERVISORY PATENT EXAMINER

10/20/03